

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS PENSION FUND;)	
and CHARLES A. WHOBREY, as Trustee,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 18-cv-3357
)	
KENTRAIL LEASING, INC., a New Jersey)	
corporation; F. P. KENNEDY LEASING,)	Hon. Jeffrey I. Cummings
INC., a New Jersey corporation; STICKLE)	District Judge
REALTY, INC., a New Jersey corporation;)	
KENNEDY FAMILY LLC, a New York)	
limited liability company; FPK, L.L.C.,)	
a New Jersey limited liability company; and)	
172 GARFIELD, LLC, a New Jersey limited)	
liability company,)	
)	
<i>Defendants.</i>)	

**PLAINTIFFS' AGREED MOTION
FOR ENTRY OF A CONSENT JUDGMENT**

Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund"), and Charles A. Whobrey, as Trustee, hereby move this Court to enter a consent judgment in favor of Plaintiffs and against Defendants, Kentrail Leasing, Inc., F. P. Kennedy Leasing, Inc., Stickle Realty, Inc., FPK, L.L.C., 172 Garfield, LLC consent and stipulate to the entry of judgment against Defendants Kentrail Leasing, Inc., F. P. Kennedy Leasing, Inc., Stickle Realty, Inc., FPK, L.L.C., 172 Garfield, LLC. In support of this agreed motion, Plaintiffs state as follows:

1. Plaintiffs filed the Complaint to establish withdrawal liability against Defendants under the Employee Retirement Income Security Act of 1974 (“ERISA”) as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001 *et seq.*

2. The parties have agreed to the entry of a consent judgment in favor of Plaintiffs against Defendants Kentrail Leasing, Inc., F. P. Kennedy Leasing, Inc., Stickle Realty, Inc., FPK, L.L.C., 172 Garfield, LLC, but not to entry of a judgment against Defendant Kennedy Family LLC.

3. With respect to Defendant Kennedy Family LLC, the parties have not agreed to the entry of judgment, and the litigation will proceed against Defendant Kennedy Family LLC.

4. Prior to the filing of this motion, Plaintiffs’ counsel, Anthony E. Napoli, and Defendants’ counsel, John M. Loalbo, agreed to the entry of the proposed consent judgment and to the filing of this motion.

5. A copy of the proposed Consent Judgment is attached hereto as Exhibit 1. The proposed Consent Judgment will also be submitted electronically to the Court’s e-mail address for proposed orders.

WHEREFORE, Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, as Trustee, respectfully request that the Court enter the Consent Judgment against Defendants Kentrail Leasing, Inc., F. P. Kennedy Leasing, Inc., Stickle Realty, Inc., FPK, L.L.C., 172 Garfield, LLC which is attached hereto as Exhibit 1.

Respectfully submitted,

/s/Anthony E. Napoli

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March 1, 2024

CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for the Plaintiffs, certify that on March 1, 2024, I electronically filed the foregoing *Plaintiffs' Agreed Motion for Entry of Consent Judgment* with the Clerk of the Court using the ECF system. This filing was served on all parties indicated on the electronic filing receipt via the ECF system.

/s/ Anthony E. Napoli

ATTORNEY FOR PLAINTIFFS